

I.S.D. #2143

District Office/Secondary/Elementary
500 East Paquin Street
Waterville, MN 56096- 1596

**Waterville-Elysian-Morristown
Public School**

District-507-362-4432
(Fax 507-362-4561)
Secondary-507-362-4431
Elementary-507-362-4439
Community Services-507-362-4403

TO: FCC

FROM: Joel Whitehurst

RE: Appeal on FY4 471 Application Denial
CC Docket Nos. 96-44 & 97-21

Please allow this memo to serve as W-E-M's formal appeal of your decision regarding FY4 E-rate discounts.

Enclosed you will find a copy of the signed 471 application as well as a memo from the previous superintendent indicating when the application was mailed. Each piece clearly indicates that the district had mailed the 471 form prior to the January 18, 2001, deadline.

Thank you for your time and consideration. We hope you will understand our situation and reverse your decision. The school's budget was counting on and desperately needs this e-rate revenue.

Respectfully,



Joel Whitehurst
Superintendent

JW/dt

Enclosures

11/14

No. of
List Attached

Archive

mailed a copy on
1/16/01

Entity Number 133811 Applicant's Form Identifier WEM2001-02 application#233839
 Contact Person Edward Henderson Phone Number 507-362-4432

Block 6: Certifications and Signature

- 24 The entities listed in Block 4 of this application are eligible for support because they are: (Check one or both.)
- a ☒ schools under the statutory definitions of elementary and secondary schools found in the Elementary and Secondary Education Act of 1965, 20 U.S.C. Secs. 8801(14) and (25), that do not operate as for-profit businesses and do not have endowments exceeding \$50 million; and/or
 - b ☐ libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any schools, including, but not limited to, elementary and secondary schools, colleges, or universities.
- 25 The eligible schools and libraries listed in Block 4 of this application have secured access to all of the resources, including computers, training, software, maintenance, and electrical connections necessary to make effective use of the services purchased as well as to pay the discounted charges for eligible services.
- 26 All of the schools and libraries or library consortia listed in Block 4 of this application are covered by:
- a ☐ an individual technology plan for using the services requested in this application; and/or
 - b ☒ higher-level technology plan(s) for using the services requested in this application; or
 - c ☐ no technology plan needed; applying for basic local and long distance telephone service only.
- 27 Status of technology plans (if representing multiple entities with mixed technology plan status, check both a and b):
- a ☐ technology plan(s) has/have been approved; and/or
 - b ☐ technology plan(s) will be approved by a state or other authorized body; or
 - c ☐ no technology plan needed; applying for basic local and long distance telephone service only.
- 28 I certify that the entities eligible for support that I am representing have complied with all applicable state and local laws regarding procurement of services for which support is being sought.
- 29 I certify that the services the applicant purchases at discounts provided by 47 U.S.C. Sec. 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value.
- 30 I certify that the entity(ies) I represent has complied with all program rules and I acknowledge that failure to do so may result in denial of discount funding and/or cancellation of funding commitments.
- 31 I understand that the discount level used for shared services is conditional, for future years, upon ensuring that the most disadvantaged schools and libraries that are treated as sharing in the service receive an appropriate share of benefits from those services.
- 32 I recognize that I may be audited pursuant to this application. I will retain for five years any and all worksheets and other records that I rely upon to fill out this application, and, if audited, will make available to the Administrator such records.
- 33 I certify that I am authorized to submit this request on behalf of the above-named entities, that I have examined this request, and to the best of my knowledge, information, and belief, all statements of fact contained herein are true.

34 Signature of authorized person Edward Henderson 35 Date Jan 16, 2001

36 Printed name of authorized person Edward Henderson

37 Title or position of authorized person Superintendent

38 Phone number of authorized person. (507) 362-4432 ext. 201

Persons who provide false information on this form can be punished by fine or forfeiture, under the Communications Act, 47 U.S.C. Secs. 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. Sec. 101

The Americans with Disabilities Act, the Individuals with Disabilities Education Act and the Rehabilitation Act may impose obligations on entities to make the services purchased with these discounts accessible to and usable by people with disabilities.



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal - Funding Year 2001-2002

October 29, 2002

Carl V. Menk, District Technology Coordinator
Le Center Public Schools
150 W. Tyrone Street
Le Center, MN 56057-1299

Re: Billed Entity Number: 133811
471 Application Number: 233839
Funding Request Number(s): 571783, 571845, 571908
571938, 571945, 571981
Your Correspondence Dated: January 18, 2002

After thorough review and investigation of all relevant facts, the Schools and Libraries Division ("SLD") of the Universal Service Administrative Company ("USAC") has made its decision in regard to your appeal of SLD's Year Four Funding **Commitment** Decision for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter **begins** the 60-day time period for appealing this decision to the Federal Communications Commission ("FCC"). If your letter of appeal included more **than** one Application Number, please note that for each application for which an appeal **is** submitted, a separate letter is sent.

Funding Request Number: 571783, 571845, 571908
571938, 571945, 571981

Decision on Appeal: Denied in full.

Explanation:

- **In your** appeal you **admit** that the **Form 471**, Block 6 Certification and Signature page **was** not sent with **your Form 471** application for Funding Year **Four**. A certification page for **FY3** **was** sent in error. You indicated in your appeal letter **that this was a** clerical oversight and apologize for the delay **and** confusion. You would like the SLD to **reconsider** their decision to deny funding for these requests.
- **Our records** indicate that **your Form 471** Certification and **Attachment 21** was not postmarked prior to **the** close of the filing window on **January 18th, 2001**. **In light of** the thousands of applications that SLD must review and process each **year**, the

FCC **has** stated that it **is** administratively **necessary** to **require** an applicant to be responsible for providing complete **and** accurate information.

- Program rules for Funding Year **Four** require **that** Form 471 Certifications and Attachments be postmarked no later than **January 18th**, 2001 in order for the Form 471 to be considered filed in a timely manner. Since **our** records indicate that **your** Form 471 Certification did not meet this requirement, **your** application was considered outside of the filing window. Consequently, **your** application will not be considered for funding and your appeal is denied in full.

If you believe there is a basis for further examination of your application, **you may file an appeal with the Federal Communications Commission (FCC) via United States Postal Service: FCC, Office of the Secretary, 445-12th Street SW, Washington, DC 20554.** If you **are** submitting your appeal to the FCC by other than United States Postal Service, check the SLD web site for more information. Please reference **CC Docket Nos. 96-45 and 97-21** on the first page of your appeal. **The FCC must RECEIVE your appeal WITH " 60 DAYS OF THE ABOVE DATE ON THIS LETTER for your appeal to be filed in a timely fashion.** Further information and new options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site, **www.sl.universalservice.org.**

We **thank** you for **your** continued support, patience, and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company